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THE END OF THE ROAD -
THE BERKS and DAUPHIN TURNPIKE

BY

HOWARD H. SMITH

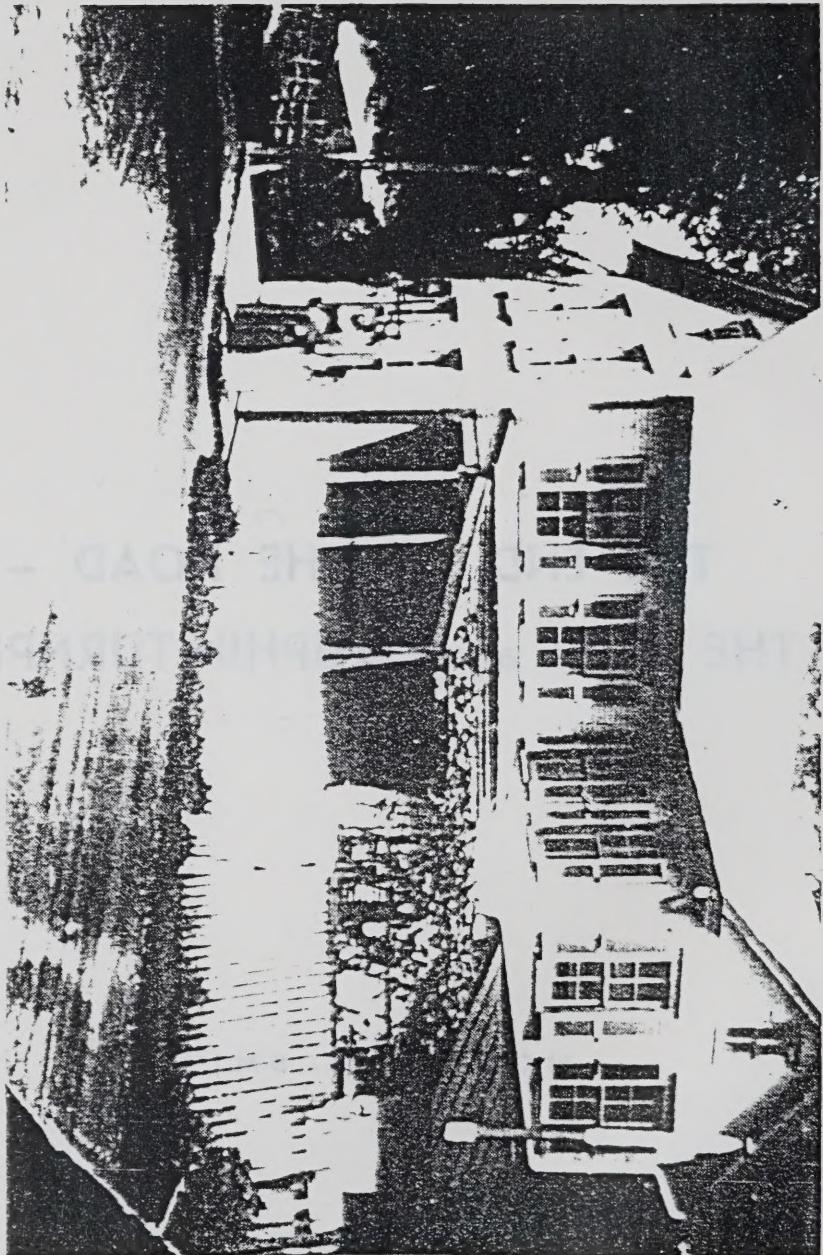
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Villaette on the Berks and Dauphin Turnpike between Myerstown and Slouchsburg
in the Nineteenth Century

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THE END OF THE ROAD— THE BERKS AND DAUPHIN TURNPIKE

INTRODUCTION

On March 2, 1805, Governor Thomas McKean of the Commonwealth of Pennsylvania affixed his signature and seal to an Act of the Legislature of Pennsylvania authorizing the governor to form into "one body politic and corporate in deed and in law by the name, style and title of 'The President, Managers and Company of the Berks and Dauphin Turnpike Road.'"¹

This came as a climax to a demand for a road to cross the rich Lebanon Valley. This area was a virtual farmer's paradise, for the rich limestone soil was conducive to abundant harvests; however, the farmer needed means for transporting his crops to the markets. A turnpike through the valley was deemed necessary and, forthwith, agitation for such a pike had been begun in the last decade of the eighteenth century. This agitation came to fruition in the act of the legislature authorizing the governor to form the Berks and Dauphin Turnpike Company.

The charter of the Berks and Dauphin Company, incorporated in the act, provided that this new "body politic and corporate" was to lay out a turnpike road "from the river Schuylkill at Reading, to or near Hummelstown, in Dauphin County."² At Hummelstown the Berks and Dauphin Turnpike joined the older turnpike which ran from Harrisburg to Downingtown and thence to Philadelphia.

The charter gave explicit directions for the building and maintenance of the highway. The company was authorized to take along its route a strip of land sixty feet wide, of which at least twenty-one feet were to be made of "stone, gravel, or any other hard surface." This "stone, gravel, or any other hard surface" was to be of sufficient depth so that the best possible founda-

1. *Laws of the Commonwealth of Pennsylvania, 1802-1805*, 428.
2. *Ibid.*, 427.

tion would be provided. The legislators, however, not only were concerned with the foundation of this roadway but also manifested an interest in its surface. They stipulated that the road must have "a firm and even surface,"³ that is, as firm and even a surface as the materials used in building would permit.

In order that this might be accomplished with the minimum of trouble and litigation, the charter stated in no uncertain terms that the company could enter the lands over which it must pass. It was also authorized to enter adjacent lands in order to procure materials it might need to complete the road. The company, however, had to give the landowner, in the last instance, notification that it was going to enter his lands and also had to make full payment to landowner for damage inflicted on his property.⁴ Having built a well-founded, even-surfaced road, the company was to "forever hereafter maintain and keep the same in good and perfect order and repair."⁵

The rates of toll were established by the act. A scale was devised which stipulated the amounts the company could charge for the various kinds of livestock which were driven over the road. Carriages, buggies, wagons, etc. were classified and rates were set for each class. One can readily see in this rate schedule the seeds for many arguments between tollgate keepers and the drivers of vehicles. The history of the road shows that many of these seeds germinated and developed plants which grew and blossomed. To add to the prospects for future arguments, the toll scale provided for rates which varied according to the number of passengers or the weight of the load carried in the vehicles. All rates were based on travelling along ten miles of road.

Section Fifteen of the act outlined the procedure to be followed when any user of the road thought that the road was not kept in repair by the company. A justice of the peace was to be notified; he, in turn, was to make an investigation and, if the evi-

3. *Ibid.*, 432.

4. *Ibid.*

5. *Ibid.*

	CENTS.	1	2	3	4	5	6	7	8	9	0
RATES.											
For 1 Horse and Carriage											1 1/2cts per mille
" 2 Horses and Carriage											"
" 1 Horse and Sleigh											"
" 1 Horse rode or led											"
" 1 Horse and Sulky											"
Wagon per Horse											"
Buck											"
FROM	Mls.										Mls.
JUNCTION	0	to	READING	42							
P. & R. R. to Crossing	5	to	Sinking Spg	38							
to Swatara	13	to	Cacocsing	37							
to Palmyra	15	to	Wernersv'l	34							
to Kreider's Mill	9 1/4	to	Robesoniat	31							
to Annville	10 1/4	to	Womelsdorf	28							
to E. Annville	11	to	Waterloo	26							
to Sunny Side	13 1/4	to	Stouchsburg	26							
to Lebanon	15 1/4	to	Owl Creek	22 3/4							
to Avon	17 1/4	to	Myerstown	21 3/4							
to Narrows	18 1/4	to	W. Myerst'n	21 1/4							
CENTS.	1	2	3	4	5	6	7	8	9	0	

A ticket used on the Berks and Dauphin Turnpike in the nineteenth century.

dence proved that the road was "out of repair, contrary to the true intent and meaning of this Act," was to notify the two toll-gate keepers at the ends of the section of road involved that "they shall cease to demand or extract tolls until the road has been repaired."⁶

6. *Ibid.*, 434.

As this is primarily a study of the end of the Berks and Dauphin Turnpike Company, it is, perhaps, desirable that we consider the provisions made in the charter to enable the Commonwealth to recover the roadway. The company was eventually ended by such recovery. Section Twenty-Four of the act envisioned the possible desirability of recovering the road and stipulated that if at any time after 1825 the legislature should think it "proper to take possession of said road, or to declare the same free of toll," it might do so. This section also decreed the procedure to be followed in accomplishing such recovery. The legislature was to appoint five men and the company was to appoint five men. Any six or more of these ten men were to examine the road together and present an estimate of its value to the governor who, in turn, was to present it to the legislature for action. When, by act of the legislature, this amount would be paid to the company, the right of the latter "to take toll on the said road, together with all their right, title, claim and interest therein, shall cease and determine."⁷

Originally intended to be completed by 1815, the road was only opened to traffic in 1817. This was the beginning of a century-long service to the Lebanon Valley on the part of the Berks and Dauphin Turnpike. These one hundred years span the period of time which saw the industrial revolution transform small rural communities into urban industrial centers. The Civil War took place in this era too, and the Berks and Dauphin Turnpike played an important part in it. Harrisburg, just a few miles west of the Hummelstown terminal of the turnpike, was not only the site of the state capital but was also a marshalling point for the men

and equipment which Pennsylvania sent into the fray. The turnpike was an important artery linking Harrisburg with the eastern part of the state.

At no time during these years of service did the stockholders of the company grow rich from their investment in the turnpike.

7. *Ibid.*, 439.

True, the annual dividends on the fifty-dollars-per-share stock averaged five percent, but throughout this era most other investments averaged more, few less, than this.

The main value of the turnpike was not to the stockholders; it was, rather, to the area which it served and the society in that area. These were the true beneficiaries of the road. Industries came into the valley because the road gave them an avenue over which they could send their products to market. This influx of industry, was accompanied, necessarily, by an increase in population so that the industries could be manned. The very existence of the road contributed to the ultimate end of the turnpike, for the economic contribution to the valley by the road helped increase the growth of towns along its path. This growth of towns along the road accelerated the coming of the day when the legislature was to think it "proper to take possession of said road."

The Berks and Dauphin Turnpike was crushed out of existence as a toll road between the two jaws of growing towns and the advent of the automobile. The latter cannot be overlooked as a contributor to the cessation of Berks and Dauphin activity. As originally planned and built, the turnpike was of sufficient quality to carry the "horse-and-buggy" traffic. Shortly after the automobile came on the scene, however, it became apparent that the road would have to be resurfaced, at least to provide a roadway capable of withstanding the increased speeds of the vehicles passing over it.

Naturally the legislators of 1805 had not been able to foresee the coming of the automobile and, therefore, the act of that year did not establish any schedule of tolls for automobiles. This was taken care of on October 5, 1903, when the Board of Managers of the company met and adopted a resolution that "automobiles be charged, for such carrying two persons 2 cts. per mile, for such carrying 4 persons 3 cts. per mile and for any carrying more 4 cts. per mile. Auto delivery wagons to pay carriage rates."⁸

8. *Minutes, 1878-1904*, 374.

In March, 1905, the stockholders of the company met in annual session and heard the report of the auditors, John Donges and John Shenk. This report stated, in part, that the auditors

have carefully examined the Annual Statements of the past few years and find that the income for Tollgates is less for each year. The income from Tollgates for the past year ending January 31, 1905, is four hundred and forty-five [sic] 91/100 dollars (\$445.91) less than it was last year and the expenditures are Two thousand two hundred and eighty-five [sic] 98/100 (\$2285.98) dollars more than they were last year.⁹

Along with this observation the auditors recommended that the managers of the various sections of the "pike" be instructed to exercise "due care and diligence" that the strictest economy be practiced on their particular sections. The report was unanimously adopted.

It is surprising to the casual observer that such a report would have been submitted. The increasing number of automobiles and the growth in population would lead one to believe that there would have been an annual increase rather than a decrease in the tolls collected. There was, however, a concerted program of road building and many of the new public roads paralleled the turnpike or, at least, connected many of the towns served by the "pike." Then, too, it was easier for an automobilist to evade paying toll. The driver who did not desire to pay toll, moreover, would simply drive through the tollgate; a horse would have stopped but an automobile stops only when the driver wants it to or the barrier is more substantial than a tollgate. These circumstances, in part, explain the decrease in revenue. Not to be overlooked in this connection is the fact that the Lebanon Valley Branch of the Philadelphia and Reading Railroad also paralleled the turnpike.

9. *Minutes, 1905-1917*, 2.

EIGHT MILES OF THE ROAD CONDEMNED

In 1905 the Commissioners of Wyomissing, a town situated just west of the Schuylkill River, petitioned the Berks County Court to have the tollgate at the eastern terminal of the turnpike moved two miles west. This action would provide the citizens of Wyomissing with free access to the town of Reading and would shorten the turnpike by two miles. This was not the first time that the change of location of tollgates had been requested by Wyomissing and other towns along the road. This time, however, the request bore fruit, for the Berks County Court ruled that the toll gate had to be moved. The stockholders of the company decided to comply with the ruling of the court rather than to contest it.¹⁰

The decision to comply with rather than contest the decision of the court was not hastily made. Several meetings of the stockholders were held to discuss the matter. At a special meeting on July 18, 1905, it was suggested that compliance with the order of the court to move the tollgate might cause the court to look more favorably upon a company request for a reversal of a decision by the same court in 1898. This decision had condemned eight miles of the turnpike—that part of the "pike" between Wernersville and Reading—and had awarded the company \$25,000 for the condemned portion of the road. Litigation had been started on this matter in 1898 and was still in process in 1905, and some of the managers and stockholders hoped to receive action on this litigation favorable to the company by acquiescing in the court order of 1905.

Those who held this view suggested to the assembled stockholders on July 18, 1905, that moving the tollgate would satisfy the Wyomissing Commissioners and, if the courts repealed the decision of 1898, save Berks County taxpayers the cost of purchasing the condemned road. The stockholders at this meeting

10. *Ibid.*, 7.

decided, however, that moving the tollgate would be far too costly for the company, for the latter would virtually be "giving [away] the income of two miles of [its] most profitable franchise."¹¹

The managers had called this meeting to consider "the matter of the adjustment of the litigation pending in the Courts of Berks County for the condemnation of about 8 miles of the turnpike road."¹² The managers had hoped to achieve this "adjustment" by winning the favor of the court, as was pointed out above. By refusing to vote for the removal of the tollgate, the stockholders had shattered the hopes of the managers.

A second special meeting was called on July 25, 1905, to discuss again the removal of the tollgate. The matter was "warmly" discussed for almost two hours and then, by a vote of 39 to 12, removal was authorized.¹³ By this time the court had ordered the gate to be moved.

Still pending was the litigation concerning the condemnation proceedings of 1898. On January 31, 1906, the managers met and decided that the president and secretary of the company should withdraw the appeal of the company for a reversal of the decision of the court in 1898.¹⁴ The managers agreed that this action was to be completed before the next annual meeting of the stockholders so that the latter could be informed of the completed transaction.

The stockholders met on February 12 and were duly informed in a report by the president that the suit had been dropped and the eight miles of road had been turned over to Berks County.¹⁵ They were also told that the company had agreed to accept payment for this section of the road in five monthly installments of \$5,000 each, beginning in September of 1906. Meanwhile interest would accrue at the rate of three and one-half percent per annum.

11. *Ibid.*, 5.

12. *Ibid.*, 3.

13. *Ibid.*, 5.

14. *Ibid.*, 9.

15. *Ibid.*, 11.

Eight miles of the most heavily used portion of the turnpike were gone. This loss came at a time, it will be remembered, when there were steady decreases in the annual income from tolls. Truly, here was the beginning of the end, a little more than one century after Governor McKean had signed the act creating the company.

PERIOD OF INCREASING TROUBLE

On November 21, 1903, a horse and carriage owned by C. F. Gish and Son was travelling on the turnpike between Annville and Palmyra. An automobile, also on the "pike," suddenly swerved and struck the horse. Mr. Gish immediately wrote to the Berks and Dauphin Turnpike Company demanding that he be reimbursed for the financial loss which he had sustained in the accident. Dr. H. H. Roedel, secretary and treasurer of the company, turned the letter over to Grant Weidman who was one of the solicitors of the company.¹⁶ After much thought on the matter, Attorney Weidman decided that the company was not liable for the damages incurred by Mr. Gish's horse. He ruled that despite the fact that Gish had paid toll to use the road the company did not guarantee his safety while he did so. This was but one of the many such incidents which were to arise during the next decade and a half. There seems to have been no consistency in the decisions of Mr. Weidman and Cyrus Derr, a Reading lawyer also retained by the company, for each such horse-auto incident was treated on an individual basis and some claimants were awarded damages whereas others were not.

Had these accidents been the only source of trouble, the company could probably have faced the situation. All through its history, however, the company had been forced to contend with claims concerning tolls. These claims became more serious, moreover, in the early part of the twentieth century because in

16. *Letter Book, 1836-1904*, 483.

this period it was becoming, owing to the rapid increase of public road construction, less necessary to use toll roads. From time to time, however, such complaints were necessarily heard and viewed by the company. On June 4, 1906, for example, the board of managers appointed a committee to investigate the claims of overcharge on the part of Ephraim Zug, a coal and feed merchant of Prescott.¹⁷ Mr. Zug was an important user of the "pike" and the managers deemed it advisable to study the situation, for loss of his trade would have further decreased the annual income from toll. No records of the report of this investigating committee are available and, therefore, we do not know the outcome of the consideration of the complaints of Mr. Zug.

Throughout its history the company received complaints concerning the condition of its roadway. There were always those, seemingly, who thought that the company failed to keep the road "in good and perfect order and repair," as was required in the charter of 1805. These complaints were voiced in increasing volume as the years rolled by and, finally, in October 1906, there were so many voices raised and the volume was so intense that the president and the board of managers decided to make a trip over the entire length of the turnpike. They drove over the road from one end to the other and were pleased to report, after finishing the trip, that they found the road "creditable to the Managers."¹⁸

It is quite evident from this report that the managers thought more of their work than the users of the turnpike did, for the company received many complaints, such as the one from the Township of Annville concerning a culvert opposite the drug store at White Oak Street in Annville. When it rained the culvert would not carry off the water. The managers usually did what they could to rectify such situations but their cooperation was given only halfheartedly.¹⁹

17. *Minutes, 1905-1917*, 15.

18. *Ibid.*, 17.

19. *Ibid.*, 19.

The growth and expansion of towns along the road inevitably led to an increase in the traffic on the "pike." As these towns acquired industries the weight of the traffic increased. Each year new models of cars and trucks brought increased speeds. These factors brought increased trouble for the managers; for they made maintenance more difficult.

The growth in towns also provided another source of trouble. The properties alongside the roadway were, on the booming real-estate market, affected by the condition of the road. A real-estate broker did not want to show prospective customers a lot fronting on a road which was filled with mud puddles and ruts. Then, too, the fact that this road was a toll road also caused the real-estate men to raise protesting voices.

In their annual meeting of 1907 the stockholders were advised by the managers of the increasing difficulties in maintaining a roadway suitable to the users. The increase in expenditures was viewed with alarm by the stockholders. A resolution was adopted by the group which stated: "While it is very important to keep the road in the best possible condition, it is equally necessary to use judgment and discretion to do it as economically as possible in order to enable us to return an acceptable dividend to our stockholders."²⁰

Evidently the managers tried to follow this resolution but events were to prove that during the five years following this resolution dividends totaling \$15,000 were paid, as compared with a total of \$25,000 paid during the five years preceding the resolution.²¹ The years of 1909 and 1912 produced no dividend payments whatsoever.²²

Nature also seemed to do her part in causing trouble for the managers. In July, 1908, the bridge across Spring Creek at Hershey was destroyed by a flash flood. This caused "much discus-

20. *Ibid.*, 21.

21. These figures concerning the dividends paid were determined by adding the figures on the annual reports for the years involved.

22. Annual reports of 1909 and 1912.

sion" by the managers who earnestly sought a means of restoring the bridge at the least possible cost to the company.²³ Despite the manager's earnest attempt to keep the cost of rebuilding the bridge to a minimum, the cost of the finished bridge was discussed, and not favorably for the managers, "to some extent" by the stockholders in the meeting of 1909.²⁴

The United States government also entered with a complaint and a plea at this time. Postmaster Alfred R. Hauck of Lebanon addressed to the company a letter requesting that the postal service be granted free use of the turnpike or, at least, reduced toll rates. The current cost, according to Mr. Hauck, was almost prohibitive, considering the number of miles traveled and the number of persons served by the postal service along the road. The managers considered this communication from the postmaster, and then ordered the secretary to write to the postmaster explaining that "Should the U. S. Post Office desire the use of the road, it can do so by paying the legal printed rates."²⁵

A copy of the letter was included in the minutes and, in presenting the conclusion that the Post Office must pay as others did to use the "pike," the secretary stated that to give the postal service reduced rates would be contrary to the law which established the turnpike. Further, the letter stated, such discrimination in behalf of the government would be ill-advised at that time because of "the fact that Turnpikes are in ill repute at this time in the state, the powerful influence of the owners of the automobiles being brot [sic] to bare [sic] upon making all turnpikes free."²⁶ The secretary was convinced that lowering the rates for the Post Office would only contribute fuel which would increase this "powerful influence" of the automobile owners.

The dust nuisance also added to the troubles of the harassed company, for many complaints were raised because of it. Householders and property owners along the turnpike evidently dis-

23. *Minutes, 1905-1917*, 33.

24. *Ibid.*, 39.

25. *Ibid.*, 41.

26. *Ibid.*

liked the dust produced upon the road and let this fact be known. This is evidenced in the fact that the stockholders, in their meeting in March, 1910, listened to a salesman from one of the oil companies explain that "not only would oiling the road reduce the dust nuisance, and complaints of it, but the wear on the road would be greatly reduced."²⁷ The stockholders were greatly impressed, but, upon hearing what the cost would be, voted that the cost would make the oiling of the road prohibitory. It is interesting to note, however, that at the next meeting of the board of managers the latter voted to get three half-barrels of oil and to use it to oil the road near the tollgates "for the comfort of the toll-gate keepers."²⁸ In this action we can readily find evidence for concluding that there was a dust nuisance and that those who complained about it were justified in doing so.

The board of managers met in quarterly meeting on October 2, 1911.²⁹ As was customary, each manager presented an account for his section. The manager of section seven, which ran from Hershey to Hummelstown, Joseph H. Kreider, reported that for the first nine months of 1911 he had expended on his section a total of \$2,586.47. This figure represented a sum which was more than the total spent during the same period by any other three managers combined. This is understandable when we recall that Hershey was fast developing as an industrial and residential town, thereby increasing the traffic. Mr. Kreider also had to report, however, that despite this heavy expenditure to keep the road in good condition, the "pike" in his section was "in such a bad condition as to be almost impassable, [so bad] that patrons threaten to refuse to pay toll."³⁰

27. *Ibid.*, 45.

28. *Ibid.*, 59.

29. Perhaps it should be noted that the "pike" was divided into eight sections. Each section had a manager. These eight managers and the president and the secretary-treasurer of the company composed the board of managers. They met upon call of the president and held at least one meeting each quarter.

30. *Minutes, 1905-1917*, 61.

The managers decided to purchase new machinery and to make extensive repairs on the road. This action was severely criticized by the stockholders in their next annual meeting in March, 1912. The secretary states in the minutes for the meeting that "the unusually large amount expended on repairs gave rise to considerable and unfavorable criticism."³¹

A glance at the annual reports reveals that in 1911 the expenditures totaled \$19,372.76. This figure represents an expenditure in excess of the total combined expenditures of the two previous years. Incidentally, the net income in 1911 was \$17,668.55. In that year, then, the company operated at a loss to the amount of \$1,704.21. This may have been the cause for the "considerable and unfavorable criticism" which the secretary noted.

The managers responded to the criticism of the stockholders with explanations for the expenditures. Mr. Kreider, in whose section, it has been noted above, unusually large expenses had been incurred, stated that the use of heavy vehicles by the Hershey Company contributed greatly to the need for repairs and, thereby, to the costs in his section. Mr. Kreider declared that these heavy vehicles caused "great destruction of the road."³²

In the *Evening Report*, one of the daily newspapers of Lebanon, on April 5, 1916, there appeared an article which told of the troubles of the Berks and Dauphin Turnpike Company. The article stated that Annville, Womelsdorf, Wernersville, and Myerstown were all growing rapidly. This growth in population "increased the traffic on the road [the Berks and Dauphin Turnpike] as well as demands for utility construction."

The decade of 1905 to 1915 was a period which produced many "headaches" for "The President, Managers and Company of the Berks and Dauphin Turnpike Road." The many complaints and the problems created by the growth of expenses are,

31. *Ibid.*, 65.

32. *Ibid.*, 67.

perhaps, no more vividly portrayed than in the fact that the managers, meeting in February, 1915, drew up a proposed budget of expenditures for the various managers and sections. It was proposed that this budget be strictly adhered to.³³ This was the first time in the history of the company that such a budget was proposed and adopted. Prior to this the managers had been allowed to operate independently, and this procedure of adopting a budget was an indication of the awareness of the managers that costs had to be kept to a minimum.

"BETTER ROADS" IN DEMAND

The increasing demands being placed upon the Berks and Dauphin Turnpike Company in regards to its roadway were not demands against this particular road alone. Many of the roads of that time were one lane in width. Most of them were "dirt" roads—rutted in winter, muddy in spring, dusty in summer, and slippery with the frosts of fall. The complaints which were heard in the Berks and Dauphin office stemmed largely from the fact that it was a toll road.

The dearth of good roads was not a peculiarity of the Lebanon Valley; it was statewide and nationwide as well. The National Highways Association, in an advertisement appearing in the *Evening Report* of April 7, 1916, announced a nationwide contest in which large prizes would be awarded for the best photographs of good roads. The announced purpose of the contest was to stimulate interest in good roads. The public was invited to submit pictures "of the type that could be used in an exhibit" which would show "law-makers what can be done." Such activity on a national scale is indicative of a national need for better roads. In this respect we should, perhaps, note also that in 1917 Congress passed a bill authorizing the federal government to spend \$85,-000,000 for the construction of rural roads.³⁴

33. *Ibid.*, 91.

34. *Evening Report*, February 27, 1917.

On the state level the need for better roads is evidenced in the annual "Good-Roads Day." Each year the Governor of Pennsylvania would designate a day as "Good-Roads Day." We may cite 1916 as a typical example. On March 30 of that year, Governor Martin G. Brumbaugh announced that May 25 would be "Statewide Good-Roads Day" and urged all citizens to use that day "as a time to do something, labor, or give money or material to improve the highways of the State."³⁵ An article in the *Evening Report* of April 7 disclosed that all the road supervisors of Lebanon County were planning for "Good-Roads Day" and were anticipating that at least \$5,000 worth of repair work would be done in the county on that day.

Three weeks previously these same supervisors had met in a public meeting with road builders and "road masters" and "automobilists" in an effort to achieve co-operation among these groups, and to discuss the highway situation and what could and should be done about it.³⁶

The *Evening Report* of June 25, 1916, carried an item which interested all "automobilists" of the Lebanon Valley. A national coast-to-coast highway, to be known as the William Penn Highway, had long been planned. On this day it was announced that this highway would go through Lebanon County, touching both Lebanon and Annville. As it also was to touch Reading and Harrisburg, this announcement meant that the new public highway would parallel the Berks and Dauphin Turnpike. Though it struck a joyful chord in the hearts of the "automobilists," this announcement caused much concern to the stockholders of the Berks and Dauphin Turnpike Company.

35. *Ibid.*, March 30, 1916.

36. *Ibid.*, March 2, 1916. See also issue of March 15, 1916.

THE STATE ACTS

On November 22, 1915, the county road supervisors met in a convention to discuss their manifold problems. In the evening the State Commissioner of Highways, Robert J. Cunningham, addressed the supervisors. In the course of his address Mr. Cunningham told his audience that "while the toll roads were a public benefactor 100 years ago they are a public nuisance in these modern days."³⁷ When he made this statement, the commissioner was representing a general consensus, for the public was now as vociferous in its demands for the abolition of toll roads as it had been for their establishment.

The Dauphin County Grand Jury already, in early October, 1915, had recommended and urged that the Courts of Dauphin County condemn "the Hummelstown Pike, thereby freeing Dauphin of toll roads." In calling attention to this action, the *Evening Report* pointed out that the Hummelstown Pike was that portion of the Berks and Dauphin Turnpike which extended from the Lebanon County line to the eastern part of Hummelstown.³⁸

The eastern section of the original "pike" was lost to the company, when as has been noted, it sold eight miles to the Berks County Commissioners in 1906. If the suggestion of the Dauphin County Grand Jury were accepted, the company would lose the western section of the road. Cut off at both ends, the road could not long survive. Evidently Commissioner Cunningham realized this, for on the same day that the recommendation of the grand jury was made public, October 4, 1915, the Board of Managers of the Berks and Dauphin Turnpike met to hear the contents of a letter sent to the company by Cunningham. According to the minutes of this meeting, the commissioner told the company that the Commonwealth desired to "take over" its toll road. The commissioner anticipated a reluctance on the part of the company to sell

37. *Ibid.*, November 23, 1915.

38. *Ibid.*, October 4, 1915.

its franchise, for the letter bluntly informed the managers that the state could go to "legal limits" if the stockholders demanded too high a price for their road.³⁹

This letter prompted the president of the company to call a special meeting of the stockholders to be held in Lebanon on October 26, 1915. Announcement of the meeting was published in the newspapers. Commenting on the call for this special meeting, the *Evening Report*, on October 16, declared that the officials of the company were "reticent about the purpose of the meeting." Disregarding this reticence, the reporter continued by asserting that the purpose of the meeting was to discuss the sale of the turnpike to the state.

The meeting was held as called, and the letter of the commissioner was read to the stockholders. This group discussed the matter thoroughly and, after the discussion, agreed by an almost unanimous vote to sell the "pike" to the state.⁴⁰ Following this decision, the price to be asked was considered, and the stockholders unanimously adopted a resolution stating: "It is the sense of this meeting that the Company should receive \$3500.00 a mile for its turnpike, that sum being merely what it received per mile for eight (8) miles near Reading, with a moderate increase of value in almost ten (10) years that have elapsed."⁴¹

Commenting on the meeting the *Evening Report* stated that the negotiations were opened by Commissioner Cunningham as a result of agitation throughout the entire state to have all toll roads abolished. In this movement, the paper noted, the commissioner had the co-operation of the motor clubs throughout the area.⁴² After the meeting, the comment went on, "the opinion was expressed . . . that the price would be the subject of considerable dickering before a final agreement would be reached."⁴³

39. *Minutes, 1905-1917*, 99.

40. *Evening Report*, October 27, 1915.

41. *Minutes, 1905-1917*, 103.

42. *Evening Report*, October 27, 1915.

43. *Ibid.*

Whoever made this statement was, perhaps, more of a prophet than he realized, for almost two more years were to elapse before the sale of the road to the state was consummated.

A fortnight later readers of the *Evening Report* were told that the figure proposed by the company was regarded as higher "than would be an equitable price." The state was willing to satisfy the demands of the motor clubs, the article continued, only if the cost would not be prohibitive.⁴⁴ Despite the high price which was asked and the fact that the state had placed a ceiling on what it would pay, and despite the fact the article said that "considerable dickering is expected," the article was sub-headed: "Movement to purchase the Berks and Dauphin highway likely to succeed."⁴⁵

This optimism was dampened somewhat when the text of Cunningham's address to the county road supervisors on November 22 was made known. In this speech the commissioner told his audience that the legislature had only appropriated \$250,000 to purchase the toll roads then in existence. He also revealed that there were 525 miles of such roads remaining.⁴⁶ At the price asked by the Berks and Dauphin Turnpike Company stockholders, their road alone would cost the state \$120,750, or almost half of the entire appropriation for the purchase of toll roads.

The winter of 1915-1916 passed with no action on the part of the state to acquire the road and with no attempt on the part of the company to come to terms for its sale. This inactivity was not characteristic of all groups concerned with the "pike," for the "automobilists," through their motor clubs, were making a concerted effort to have the road condemned. Charge after charge against the turnpike company was placed before the Public Service Commission. This body held several hearings on the matter. In June, 1916, the company was ordered to defend itself before

44. *Ibid.*, November 9, 1915.

45. *Ibid.*

46. *Ibid.*

the Public Service Commission and on the 23rd of that month the officials of the company filed "a sweeping denial of [the] charges before the commission."⁴⁷ Bad weather was blamed by the officials of the company for the lack of repairs and the poor condition of the roadway. In their denial the officials revealed that they were contemplating "complete resurfacing" of the road and that if the cost would warrant it they were prepared to call a meeting of the stockholders to approve the action.⁴⁸ This announcement was not a mere defensive measure, for the managers had resolved, eighteen days previously, to employ William Dechart and Son, an engineering firm, "to make a survey of the entire pike; to make plans and specifications for modern surface treatment and to secure bids from contractors to accomplish this resurfacing."⁴⁹

On August 4 the board of managers heard the report of the Dechart firm. It was estimated that the total resurfacing would cost "up to \$75,000"; in view of this the managers resolved to increase the indebtedness of the company from "nothing to \$75,000 or so much thereof as shall be necessary [for] the purpose of surface treating its entire turnpike road so as to make it conform with modern requirements."⁵⁰ This decision was to be submitted to the stockholders of the company for their approval, and the secretary was ordered to publicize the fact that a special meeting was called for October 17, 1916.⁵¹

At the meeting of August 4 the managers also awarded a contract to the Highway Maintenance Company of Philadelphia to surface-treat approximately three miles of the "pike" between Annville and Palmyra.⁵² This action allowed them to state publicly on September 20, 1916: "A contract has already been let for the building of three miles of the stretch between Palmyra and Annville."⁵³

47. *Ibid.*, June 24, 1916.

48. *Ibid.*

49. *Minutes, 1905-1917*, 109.

50. *Ibid.*, 113.

51. *Ibid.*

52. *Ibid.*

53. *Evening Report*, September 21, 1916.

The officials of the company made this statement on that day in defense and in answer to an order issued that same day by the Public Service Commission. This order gave the Berks and Dauphin Turnpike Company instructions "to repair the entire 35 miles of its road by July 1, 1918."⁵⁴ The company was directed to rebuild the 17 miles of road between Palmyra and the eastern limits of Myerstown by July 1, 1917. This rebuilt road was to be made of concrete and was to be twenty-one feet wide. The rebuilding order included new bridges and guard rails, and stipulated that the new roadway was to be built not only between boroughs but through them as well. The main streets of Myerstown, Lebanon, Annville, and Palmyra were thus included in this order.⁵⁵ Public interest in these proceedings was so great that, in response to public demand, the *Evening Report* of September 25 carried the full text of the order of the commission to the Berks and Dauphin Turnpike Company.

The state had failed in its attempt to negotiate the purchase of the "pike." In his original letter in October, 1915, Commissioner Cunningham had intimated that, should he fail in his effort to come to terms with the company, the Commonwealth was ready to go to "legal limits" in its desire to "take over" the turnpike. The order by the Public Service Commission surely was legal and, viewed from the standpoint of the company, it was the limit—so much so that compliance was practically impossible, as we shall see.

BERKS AND DAUPHIN REACTION

It will be recalled that the managers had, on August 4, instructed the secretary to issue a call for a special meeting of the stockholders to take place on October 17, 1916, to consider increasing the indebtedness of the company. When the meeting took place, such an increase was not the only matter discussed, for with it the stockholders also talked about the orders given the company by the Public Service Commission. The stockholders decided to

54. *Ibid.*

55. *Ibid.*

appoint a committee "to investigate the situation."⁵⁶ This committee was appointed and instructed to present a report to another meeting of the stockholders to be held on November 14.

This committee went to work and evidently, from the report it rendered, thoroughly investigated the situation. The meeting of stockholders on November 14 heard the report of the committee. The report stated that, as a result of much investigation and study, the committee believed that some of the plans, which had been made in order to comply with the order of the Public Service Commission, were practical. Compliance with the order, however, would necessitate an indebtedness; from that there was no escape. The report of the committee suggested that before such plans for resurfacing the road and creating a debt were acted upon, however, "an attempt should be made to open negotiations with the Highway Department of the Commonwealth of Pennsylvania . . . looking to a sale of the right of way, road-bed and franchise of the Berks and Dauphin Turpike Company at such a price as may be determined upon."⁵⁷ This report was adopted by the assembled stockholders and the meeting was adjourned "to reconvene . . . on the first Monday of March."⁵⁸

The adjourned meeting reconvened on March 5, 1917, and the minutes of the meeting state that "a verbal report was made by the committee appointed on October 17, 1916, and continued on November 14, 1916. On motion the meeting adjourned to meet [again] on March 26, 1917."⁵⁹ The secretary did not record what was contained in this report. It evidently contained little of importance, for newspapers of the day made no mention of the meeting.

When the adjourned meeting reconvened again of March 26, the committee, originally appointed on October 17, 1916, "to investigate the situation," reported that it had "contacted a Mr.

56. *Minutes, 1905-1917*, 115.

57. *Ibid.*, 117.

58. *Ibid.*, 118.

59. *Ibid.*, 121.

Reilly, a Lancaster contractor," and had referred him to the engineer of the company, Mr. Dechart; however, in view of the fact that it had heard "nothing since," the committee asked for adjournment until April 12, 1917.⁶⁰

The order by the Public Service Commission on September 20, 1916, had stated that the company had to have the seventeen miles of road between the eastern limits of Myerstown and Palmyra rebuilt by July 1, 1917. By the time the stockholders met on March 26, 1917, nothing had been done on this section of the road. It is the opinion of the writer that the company officials really hoped to rebuild the road but that they also hoped to obtain more time; at least they made some effort in this direction. The committee had contacted the Ambler-Davis Company of Philadelphia. Mr. Charles Ambler, president of this company, replied; his letter was deemed so important that the Berks and Dauphin Board of Managers met on April 4, 1917, to consider it.⁶¹

The Ambler-Davis Company proposed to improve the turnpike in accordance with the Public Service Commission order; it would accept Berks and Dauphin bonds in payment for these repairs; and it would maintain the turnpike for a ten-year period for an annual sum of \$15,000. Mr. Ambler proposed that his company should "take over" the distribution of the income of the Berks and Dauphin Turnpike Company as well as its roadway. Accompanying his proposals mentioned above were his declarations that the annual income from the road must be used to pay the following items in this order: (1) taxes; (2) Berks and Dauphin Company salaries (tollgate keepers, officers, etc.); (3) an annual \$8,000 to pay the interest on the bonds; (4) the \$15,000 annual charge for maintenance; (5) five percent annual dividend to be paid to Berks and Dauphin stockholders, and (6) the remaining amount to be applied to amortization of the bonds.⁶²

60. *Ibid.*, 125.

61. *Ibid.*, 126.

62. A copy of the letter from Mr. Ambler was attached to the minutes for the meeting of the board of managers at which it was discussed.

Mr. Ambler was certainly most optimistic in his hopes for increasing the revenues of the company, for the total of items 3, 4, and 5 above was more than the net receipts during any year covered by this study. After consideration of these propositions on the part of Mr. Ambler, the board of managers decided that this communication should be read to, and discussed by, the stockholders at the adjourned meeting which was to reconvene on April 12, 1917.

Of this meeting no records are available. It is reasonable to suppose, however, that no business was attempted because of a lack of a quorum at the meeting. This is more or less substantiated, for, several days later, at a meeting of the board of managers, the secretary was authorized to send a circular to all stockholders advising them that the adjourned meeting was to be held on May 16. In the circular the secretary was to inform each stockholder to be present or "else execute a proxy, for it is of extreme importance to the Turnpike Company that a quorum be present, either in person or by Proxy."⁶³ Stockholders were told that this adjourned meeting was to continue the consideration of the question of an increase in the indebtedness of the company.⁶⁴

There was a quorum present on May 16 and the stockholders voted, 464 to 124, to authorize an increase in the indebtedness of the company of "from nothing to \$75,000 to provide a modern road."⁶⁵ At the same time the stockholders adopted a resolution authorizing the "Turnpike to enter into negotiations and to execute a contract for the resurfacing of the Turnpike road."⁶⁶

"Too little, too late" is a slogan which we have heard and used frequently in recent years. It is, undoubtedly, an accurate phrase to describe the attempt of the turnpike company to comply with the order of the Public Service Commission. The apathy on

63. *Minutes, 1905-1917.* 127.

64. *Ibid.*

65. *Ibid.,* 130.

66. *Ibid.*

the part of the stockholders made such compliance practically impossible. From the standpoint of the public, it was fortunate, perhaps, that activity pertaining to the toll road was not limited to the activity of the company, for in the legislature at Harrisburg events were making the belated efforts of the company scarcely worthwhile.

Citizens of Lebanon and vicinity had already been informed by the *Evening Report* of March 17, 1917, that Attorney Gabriel H. Moyer, counsel for the motor clubs of the area, would take charge of introducing a bill in the legislature to purchase the turnpike. They were informed that Mr. Moyer knew how to get a bill introduced and how to get it passed by the legislature, for he had been, previously, a member of that body. The *Evening Report* said that the introduction of this bill would be a "definite step to acquire the Berks and Dauphin Turnpike" and that this "definite step" would be taken "in a few days." "It is understood," *Report* readers were told, "that the bill calls for an appropriation of \$100,000 for the purchase of the Turnpike. This would pay for the Turnpike at a rate of approximately \$3,000 a mile. . . : Condemnation proceedings are also provided for in the bills."⁶⁷

Evidently Attorney Moyer, the motor clubs, and the reporter were too optimistic concerning the time in which the "definite step" would be taken. They had hoped to see it made "within a few days" after March 17, 1917; however, the bill was not introduced until May 1. On that day Dr. I. K. Urich, Assemblyman from Lebanon County, introduced in the legislature a bill proposing the purchase of the Berks and Dauphin Turnpike by the state. An appropriation of \$100,000 to cover the cost of this purchase was incorporated in the bill. Should the turnpike company be adverse to selling its road and franchise, the bill authorized condemnation of the route. The bill stated: "Abolition of tolls on this section would mean a continuous main highway between Pittsburgh and Philadelphia that can be traveled without paying tolls."⁶⁸ In

67. *Evening Report*, March 14, 1917.

68. *Ibid.*, May 2, 1917.

the final portion of the bill, Dr. Urich included the provision that "After purchase or condemnation the State Highway Department is to improve the road."⁶⁹

The bill was passed, readily, and, on June 29, Dr. Urich was the guest of honor at an outing honoring his success in getting passed the bill authorizing purchase of the Berks and Dauphin Turnpike. "His efforts," the *Evening Report* noted the next day, "in the Legislature in freeing the county from toll roads have been very popular and the outing was given as a testimonial for his efforts."⁷⁰ Already on a previous date, June 11, 1917, Dr. Urich had been given "a vote of thanks" by the Berks and Dauphin stockholders "for bringing the representatives of the State and of the Company together."⁷¹ Seemingly the stockholders of the company were as glad as was the public to have the Commonwealth "take over" the road.

This "bringing together" of the representatives of the state and of the company had resulted in an offer by the former of \$70,000 for the purchase of the turnpike. This offer prompted the board of managers to issue a call for a meeting of all stockholders to be held on June 11, 1917, in the Y.M.C.A. Building in Lebanon. According to the announcement of the meeting, a copy of which was sent to each known stockholder and published in the *Lebanon Daily News* and the *Evening Report*, this meeting was called "for the purpose of considering and acting upon an offer of the Commonwealth of Pennsylvania to purchase the property and assets of the [Berks and Dauphin] Turnpike Company for the sum of \$70,000."⁷²

69. *Ibid.*

70. *Ibid.*, June 30, 1917.

71. *Minutes, 1905-1917*, 141.

72. *Ibid.*, 133.

THE END OF THE ROAD

The meeting of the stockholders of June 11 was to be called to order at 1:45 P.M. At 1:30 P.M. the board of managers held a special meeting and resolved that the special meeting of the stockholders "consider and authorize, if deemed advisable, the sale of all the rights, lands, and properties of the Company (about 34½ miles of road in Berks, Lebanon, and Dauphin Counties, Pa.) to the Commonwealth of Pennsylvania and to act upon all matters connected with or incidental to the above stated matter. . . ."⁷³

At 1:45 P.M. the meeting of the stockholders was called to order. Of the 2,000 shares of outstanding stock, 1,645 shares were represented at the meeting.⁷⁴ Shortly after the call to order, Grant Weidman, a stockholder, as well as a solicitor of the company, moved that "the Company sell to the Commonwealth for \$70,000 all its interests, lands, etc., except the toll-house in Wernersville, Pa."⁷⁵ The motion was supported by George Stanley. Then the represented shares of stock were voted and the result carried the motion. One share of stock was represented as against sale of the road, the other 1,644 were in favor of its sale.⁷⁶ The stockholders were voting to sell their stock, purchased for fifty dollars a share, for thirty-five dollars; despite this, they were overwhelmingly in favor of the sale. After they had authorized the sale of the road, the stockholders appointed Dr. H. H. Roedel, the secretary, as the company's attorney-in-fact to "execute, sign, and acknowledge any papers of every nature and kind that might be necessary in carrying out the authorized sale of the Company."⁷⁷ The meeting then adjourned.

In the bill providing for the "taking over" of the road by the state, it had been stipulated that the counties through which the turnpike ran were to pay, proportionate with the miles of "pike"

73. *Ibid.*, 137.

74. *Ibid.*, 143.

75. *Ibid.*

76. *Ibid.*

77. *Ibid.*

within their confines, one-half of the purchase price; the Commonwealth was to pay the other half. When the sale of the company was authorized, it became necessary for the Counties of Dauphin, Lebanon, and Berks to authorize, through their county commissioners, the expenditure of the necessary monies.

The sale was authorized, as we have seen, on June 11, 1917. On June 15 the commissioners of Lebanon County passed a resolution to pay \$1,000 a mile for its proportionate share in the purchase of the Berks and Dauphin Turnpike.⁷⁸ As the major portion of the road lay within Lebanon County, this meant an outlay of more than \$19,000. The commissioners of Berks County also hastened to provide funds for the purchase of the road.⁷⁹ The Dauphin County commissioners, whose proportionate share of not quite \$5,000 was the smallest, however, caused a delay in the proceedings; they approved the expenditure but specified that the fund would not be available until September 1.⁸⁰

The original intention had been to free the road of tolls by August 15. The action of the Dauphin County commissioners not only delayed the end of the road, but also meant that the Berks and Dauphin Company would continue to collect tolls for an additional period of time. This was contradictory to an article appearing in the *Evening Report* on June 21. This article had informed the populace that on that day negotiations had been completed between the state and counties and the Berks and Dauphin Turnpike. The "pike" was shortly to be "taken over" by the state and operated as a free public highway. This would mean the abolition of the toll which was about three cents a mile. The article had pointed out that "A number of details remain to be adjusted but it is assured that the road will be freed to the traveling public by the middle of August."

78. *Evening Report*, June 16, 1917.

79. *Ibid.*, July 26, 1917.

80. *Ibid.*

A little more than a month later, Joseph W. Hunter, Deputy Highway Commissioner, made an appointment to meet with Attorney Weidman in the office of the latter on August 30. In writing about this appointment in the *Evening Report*, the reporter stated that when Mr. Hunter came to the office of Mr. Weidman, the Deputy Highway Commissioner would turn over a check to the latter and the Berks and Dauphin Turnpike would be "formally under the control of the state."⁸¹ "Twelve gates were needed to enable the company to 'get' all travelers," declared an account in the *Evening Report*. "The gates will be free after 12 noon Thursday [August 30]."⁸²

On Thursday Mr. Hunter and other officials came to Lebanon. They assembled in Attorney Weidman's office and included, besides Mr. Hunter and Mr. Weidman, W. H. Keller, First Deputy Attorney-General of the Commonwealth; William B. Moore, President of the Berks and Dauphin; Dr. H. H. Roedel, Secretary-Treasurer of the Company; Ira G. Kutz, Solicitor of Berks County; L. R. Reigart, Acting Solicitor of Lebanon County; the Lebanon County commissioners and others.⁸³

The state and county officials turned over to the company warrants amounting to the purchase price of the road. The figures given in the *Evening Report* do not aggregate \$70,000. According to the account of the newspaper, the state paid \$35,000, Lebanon County paid \$19,770, Berks County paid \$9,720, and Dauphin County paid \$4,990.⁸⁴ The state paid exactly one-half of the price it had offered—\$70,000. The discrepancy lies in the county apportionments. This can be explained, however, on the basis of the resolution of the Lebanon County commissioners of June 15. At that time they authorized \$1,000 per mile. On this basis the toll road would have had to be 35 miles long to receive an aggregate sum of \$70,000. According to the minutes of the meeting of the

81. *Ibid.*, August 27, 1917.

82. *Ibid.*, August 28, 1917.

83. *Ibid.*, August 30, 1917.

84. *Ibid.*

board of managers on June 11, the road was "about 34½ miles." On a basis of \$2,000 a mile there is, then, no discrepancy in the amount received.

It had been prophesied that little formality would be observed when the state took over the Berks and Dauphin Turnpike.⁸⁵ When the "taking over" occurred the prophecy was fulfilled. Mr. Hunter, representing the state, and Dr. Roedel, representing the company, toured the "pike" and replaced all toll signs with notices that the company had "vacated" and that the road was now free from all toll.⁸⁶ Reporting this, the newspaper, almost with misgivings, it seems, said: "The Berks and Dauphin has been a toll road for over 100 years."⁸⁷

When the toll signs had been removed and the road was made free for all traffic, it was reported that "the death knell of toll roads in Lebanon County has been sounded."⁸⁸ Evidently no one mourned their passing. At least there is nothing funereal in the announcement, two days later, that the Chambers of Commerce of Lebanon, Reading, and Harrisburg were planning to hold a great corn roast "to celebrate the freeing of the Berks and Dauphin Turnpike."⁸⁹

The public could rejoice; the business men could hold corn roasts and celebrate; but for the company there remained the task of dissolution. To this task the officials of the company applied themselves quickly. On August 30, after the funds had been turned over to the company, the president and managers of the company instructed the secretary

"to call a special meeting of the stockholders on Wednesday, the 26th day of September, A.D., 1917, at the Y.M.C.A. Bldg., Northwest corner 9th and Willow Streets, Lebanon, Pennsylvania, for the purpose of act-

85. *Ibid.*, July 26, 1917.

86. *Ibid.*, August 30, 1917.

87. *Ibid.*

88. *Ibid.*

89. *Ibid.*, September 1, 1917.

ing upon the dissolution of the President, Managers and Company of the Berks & Dauphin Turnpike Road Company."⁹⁰

At the appointed time and place, 1,245 shares of the 2,000 issued by the company were represented.⁹¹ As this constituted a quorum, the meeting was called to order and the business was conducted. The stockholders passed a petition requesting Judge C. V. Henry, in the Lebanon court, to formally dissolve the Berks and Dauphin Turnpike Company.⁹²

The stockholders also authorized the board of managers to distribute the proceeds of the sale to the stockholders. The *Evening Report* stated in its issue of September 26 that the treasury of the defunct company contained a total of \$78,000. It also indicated that another \$1,000 to \$2,000 would be distributable when all the real estate of the company was sold. The managers sent notices containing the complete plan of distribution to the stockholders on October 15.⁹³ Thus the company which had owned the turnpike came to the end of the road.

90. *Minutes, 1905-1917*, 145.
91. *Evening Report*, September 26, 1917.
92. *Ibid.*
93. *Ibid.*, October 16, 1917.

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